IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

JAMES AARON LOWE )
REGISTER NO. 03545 )
PLAINTIFF ) CASE NO.
) 6-3461-CV-S-MDH-P
VS. )
)
CITY OF HOLLISTER, MO )
DEFENDANT ) DEFENDANTS ARE SUED IN THEIR

___ INDIVIDUAL CAPACITY

___ OFFICIA CAPACITY

✓ BOTH

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF U.S.C. § 1983

I. PLACE OF CONFINEMENT OF PLAINTIFF(S)

TANEY COUNTY JAIL, FORSYTH, MO 65653

II. PARTIES TO THIS CIVIL ACTION

A. PLAINTIFF JAMES AARON LOWE NO. 03545
ADDRESS PO BOX 1005 FORSYTH MO 65653

B. DEFENDANT JASON FLOWERS
1 GAGE DR HOLLISTER MO 65672 EMPLOYEED AS: POLICE OFFICER CITY OF HOLLISTER, MO

C. DEFENDANT ALECIA SMITH
EMPLOYEED AS: COURT CLERK CITY OF HOLLISTER, MO
312 ESPLANADE ST HOLLISTER MO 65672

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# COMPLAINT 1

ON OR ABOUT JANUARY OF 2014 HOLLISTER MO POLICE OFFICER JASON FLOWERS ACTING AS A GOVERNMENT OFFICIAL FOR THE CITY OF HOLLISTER, MO AND BY HIS OWN INDIVIDUAL ACTIONS VIOLATED THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND JAMES AARON LOWE'S FEDERALLY PROTECTED CIVIL RIGHTS BY USING EXCESSIVE FORCE CAUSING PHYSICAL HARM AND ASSAULTING HIS PERSON.

JAMES AARON LOWE WAS IN HIS VEHICLE WITH HEATHER PAIN PARKED IN A OPEN, PUBLICLY ACCESSABLE PARKING LOT LOCATED IN FRONT OF BRANSON ARCHERY IN HOLLISTER MISSOURI AT APPROXIMATLY ELEVEN (11) PM ON A SATERDAY. HIS VEHICLE HAD OVERHEATED AND LOWE WAS WAITING FOR THE ENGINE TO COOL WHEN OFFICER JASON FLOWERS OF THE HOLLISTER POLICE DEPT. ARRIVED.

OFFICER FLOWERS ACTING WITHOUT PROBABLE CAUSE OR REASONABLE SUSPICION TO BELIEVE A CRIME HAD BEEN COMMITTED TOLD LOWE THAT HE WAS TRESPASSING AND THAT HIS DRIVERS LICENSE WAS SUSPENDED AND THAT HE WAS UNDER ARREST AND HIS VEHICLE WOULD BE TOWED. JAMES AARON LOWE SUBMITTED TO THE ARREST AND WAS PLACED IN HANDCUFFS AND SECURED IN OFFICER FLOWERS PATROL VEHICLE.

JAMES LOWE BEGAN YELLING AT OFFICER FLOWERS WHILE SECURED IN HANDCUFFS IN THE

PATROL VEHICLE. OFFICER FLOWERS AND ANOTHER HOLLISTER POLICE OFFICER CAME TO THE VEHICLE AND JASON FLOWERS SAID TO THE OTHER OFFICER "ARE YOU READY TO DO THIS"? BOTH OFFICERS THEN EXTRACTED LOWE FROM THE VEHICLE AND SLAMED HIM INTO THE CONCRETE PARKING LOT WHILE STILL RESTRAINED IN HANDCUFFS. OFFICER FLOWERS KICKED LOWE SEVERAL TIMES AND THEN STOOD ON THE BACK OF HIS NECK WITH HIS BOOT FOR SEVERAL MINUTES. AFTER THE ~~ASSAUST~~ ASSAULT JAMES LOWE WAS RETURNED TO JASON FLOWERS PATROL CAR AND TRANSPORTED TO THE HOLLISTER POLICE DEPARTMENT. UPON ARRIVAL, A SARGENT SAW LOWES CONDITION AND CALLED TANEY COUNTY AMBULANCE FOR LOWE. THE EMT OBSERVED LOWES CONDITION, MOST NOTABALLY DEFORM-ATY IN HIS RIGHT SHOULDER AREA AND SUG-ESTED HE GO TO COX HOSPITAL STATING "HIS SHOULDER DOES NOT LOOK RIGHT." LOWE REFUSED TREATMENT AT THAT MOMENT AND THE E.M.T. ~~E~~ ADVISED LOWE TO GO TO THE HOSPITAL THE FOLLOWING DAY.

LOWE WENT TO COX HOSPITAL THE NEXT DAY TO THE EMERGENCY ROOM. X-RAYS REVIELED A LEVEL 2 SEPERATION IN HIS SHOULDER AND A TORN ROTATOR CUFF IN HIS RIGHT SHOULDER AS WELL. THE DOCTOR REFERED LOWE TO A SPECIAL-IST STATING SURGERY MAY BE NEEDED AND WAS

RELEASED. THE INCIDANT WAS CAPTURED ON THE OTHER OFFICERS BODY CAM DEVICE AT BRANSON ARCHARY. THE ASSAULT VIOLATED JAMES LOWE'S FEDERALLY PROTECTED CIVIL RIGHTS AGAINST EXCESSIVE USE OF FORCE.

THE RESULTING DAMAGES INCLUDE EXTREME PHYSICAL PAIN FOR EIGHT (8) MONTHS, LIMITED MOBILITY OF HIS RIGHT ARM FINANCIAL LOSSES AND MENTAL PROBLEMS DUE TO THE ASSAULT AND TRAMATIC EXPERIANCE.

COMPLAINT 2

ON JANUARY OF 2014 IN HOLLISTER MISSOURI AT BRANSON ARCHARY, OFFICER JASON FLOWERS ACTING AS A GOVERNMENT OFFICIAL FOR THE CITY OF HOLLISTER MISSOURI AND BY HIS OWN INDIVIDUAL ACTIONS VIOLATED JAMES AARON LOWE'S FEDERALLY PROTECTED CIVIL RIGHTS BY ARRESTING AND ~~CH~~ BRINGING CRIMINAL CHARGES OF RISISTING ARREST AND TRESPASSING KNOWING THAT REASONABLE SUSPICION OR PROBABLE CAUSE DID NOT SUPPORT SUCH CHARGES AGAINST HIM.

JASON FLOWERS ARRESTED JAMES LOWE IN BRANSON ARCHARY'S PARKING LOT AFTER LOWE COULD NOT MOVE HIS VEHICLE DUE TO MECHANICAL PROBLEMS. THE PARKING LOT WAS OPEN TO THE PUBLIC. THE PRESENTS OF A NO TRESPASSING SIGN DID NOT EXIST AND THE PROPERTY WAS NOT SECURED BY A

PARIMETER FENCE THUS GIVING NO PROBABLE CAUSE TO AFFECT THE ARREST. ALSO NO COMPLAINT HAD BEEN REPORTED ON JAMES LOWE CONCERNING TRESPASSING ON THE PROPERTY. THE CITY CODE OF HOLLISTER MISSOURI CLEARLY STATES ~~OO~~ AT LEAST ONE (1) OF THE FOREGOING FACTORS MUST EXIST TO BE CHARGED WITH TRESPASSING. IN ADDITION OFFICER JASON FLOWERS CHARGED JAMES LOWE WITH RESISTING ARREST IN A ATTEMPT TO COVER UP A ASSAULT AND USE OF EXCESSIVE FORCE UPON JAMES LOWE. OFFICER FLOWERS CHARGED JAMES LOWE WITH RESISTING ARREST ONLY AFTER HE AND ANOTHER OFFICER ~~S~~ EXTRACTED JAMES LOWE FROM FLOWERS'S VEHICLE AND ASSAULTED HIM WHILE HE WAS IN HANDCUFF RESTRAINTS. THE UNKNOWN OFFICER RECORDED THE INCEDENT ON HIS BODY CAM DEVICE AND THAT VIDEO IS AT THE HOLLISTER POLICE DEPT. AND THE PROSECUTER FOR THE CITY OF HOLLISTER, ~~HANK~~ HANK GRIFFIN IS IN POSSESSION OF A COPY AS WELL. THE FOREGOING FACTS PLACE OFFICER JASON FLOWERS IN VIOLATION OF JAMES AARON LOWE'S FEDERALLY PROTECTED CIVIL RIGHTS.

THE RESULTING DAMAGES INCLUDE DEPRIVATION

OF LIBERTY DUE TO THE ILLEGAL ARREST LOSS OF INCOME AND PROPERTY LOSS DUE TO HIS VEHICLE BEING TOWED ILLEGALLY.

COMPLAINT 3

ON OR ABOUT NOVEMBER OF 2014 THE COURT CLERK FOR THE CITY OF HOLLISTER MISSOURI, ALICIA SMITH THROUGH HER OWN ACTIONS AND ACTING AS A GOVERNMENT OFFICIAL FOR THE CITY OF HOLLISTER MISSOURI VIOLATED JAMES AARON LOWE'S FEDERALLY PROTECTED CIVIL RIGHTS AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA BY SUBMITTING A FICTITIOUS TRAFFIC VIOLATION OF ALLUDING AN OFFICER TO THE MISSOURI DEPARTMENT OF REVENUE'S DRIVERS LICENSE BUREAU SUSPENDING HIS DRIVERS LICENSE FOR ONE (1) YEAR, KNOWING THAT SUCH A VIOLATION HAD NEVER BEEN ISSUED TO JAMES A LOWE. JAMES LOWE WAS INFORMED THIS BY THE RECORDS DEPARTMENT IN JEFFERSON CITY MISSOURI AND WAS TOLD THAT THE CITY OF HOLLISTER WOULD HAVE TO RECEND THE VIOLATION IN ORDER TO CLEAR HIS DRIVING RECORD AND RELEASE THE SUSPENTION. MULTIPAL ATTEMPTS WERE MADE BY MR LOWE TO CLEAR THE SITUATION BUT WAS MEET WITH RESISTANCE BY ALICIA SMITH THE COURT CLERK. DISPITE NUMEROUS REQUESTS TO SEE A COPY OF THE ALLEDGED VIOLATION

LOWE WAS NEVER ABLE TO RESOLVE THE SUSPENTION AND THE COURT CLERK NEVER ~~RES~~ FIXED THE PROBLEM THROUGH JEFF-ERSON CITY.

THE RESULTING DAMAGES INCLUDE DEPRIVATION OF LIBERTY AND LOSS OF INCOME DUE TO IN-ABILITY TO RELIABLE TRANSPORTATION TO WORK.

RELIEF — I AM SEEKING TO RECOVER MEDICAL EXPENSES FROM THE USE OF EXCESSIVE FORCE I AM SEEKING OFFICER FLOWERS BE TERMINATED FROM THE HOLLISTER POLICE DEPARTMENT, I AM SEEKING MY DRIVING RECORD AND THE CONVICT-IONS FOR RESISTING ARREST AND TRESPASSING BE EXPONGED FROM MY RECORD AND I AM SEEKING ONE (1) MILLION DOLLARS IN DAMAGES.

COUNSEL: I ATTEMPTED TO RETAIN THE FOLLOWING LAWERS:

RICHARD H STEVENS 1736 E. SUNSHINE SUITE 419 SPRINGFIELD MO

JUDSON WALL 120 N. SECOND AVE OZARK MO 65721

ACLU 454 WHITTAKER ST. LOUIS MO 63108

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

EXECUTED THIS 27TH DAY OF OCTOBER 2016

[signature] PLAINTIFF JAMES A LOWE 03345

JAMES A LOWE 03545
PO BOX 1005
FORSYTH MO
65653

SPRINGFIELD MO 658

02 NOV 2016 PM 2 L

FOREVER
USA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHER DIVISION
KANSAS CITY MO
64106

CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY